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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,894	12/27/2001	Timothy J. Lalley	100110012-1	1270

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,894	Applicant(s) LALLEY ET AL.	
	Examiner Julie K Brockett	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter, III et al., U.S. Patent No. 4,695,058. Carter discloses a game and method for playing the game. At least one display strip is applied to a player. The display strip comprises a plurality of lights that are capable of displaying images. Input is received from at least one player. Output signals are provided to the display strip. Images are displayed on the display strip (See Carter Fig. 1; col. 4 lines 41-57; col. 8 lines 29-65; col. 14 lines 10-19) [claim 1]. The output signals are indicative of the player's status in the game (See Carter col. 4 lines 41-57) [claim 2]. Each player's status in the game is displayed on the display strip (See Carter col. 4 lines 41-57) [claims 3, 5, 15]. The display strip comprises a plurality of display strips and the at least one player comprises a plurality of players. The step of applying at least one display strip to at least one player comprises applying at least one display strip to each player (See Carter Fig. 1; col. 4 lines 41-57) [claims 4, 15]. Input is received from a game

input device operated by the player (See Carter col. 4 lines 12-32) [claim 6].

Output signals are provided from a game processor (See Carter Fig. 2; col. 2 lines 50-58; col. 14 lines 1-19) [claim 7]. Input is received by a simulated weapon shot (See Carter col. 14 lines 1-19) [claim 8]. An audible sound is emitted from the display strip (See Carter col. 7 lines 24-25; col. 8 lines 29-34) [claim 9]. The game comprises a processor and at least one display strip in communication with the processor. The display strip includes a plurality of lights wherein the lights are capable of displaying images. A mounting structure is capable of mounting the display strip on the player and the display is in communication with the processor (See Carter col. 2 lines 50-59; col. 4 lines 41-57; col. 8 lines 29-65; col. 14 lines 10-19) [claim 10]. The display strip comprises a plurality of displays trips and a plurality of game input devices are in communication with the processor. The game input devices receive input from the players (See Carter Fig. 1; col. 2 lines 50-59; col. 4 lines 41-57) [claim 11]. Each game input device is associated with a display strip. Each game input device is arranged to receive input from a specified player and the display strip associated with the game input device is arranged to display status information fro the specified player (See Carter col. 2 lines 24-58; col. 4 lines 40-64) [claim 12]. The display strips are in communication with the processor through the game input devices (See Carter col. 2 lines 24-58) [claim 13]. At least one sensor is provided wherein the sensor is capable of sensing radiation from a simulated weapon firing and providing output to the processor in

response to the simulated weapon firing (See Carter col. 58-67; col. 5 lines 27)[claim 14]. The hand-held microprocessor is capable of executing game instructions (See Carter Fig. 2; col. 2 lines 50-58) [claim 16].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Davila, U.S. Patent No. 4,602,191.

Carter lacks in disclosing that the display strip is flexible and that the images comprise alphanumeric characters. Davila teaches of clothing that has a flexible LED display [claim 22]. The images displayed by the display strips comprise alphanumeric characters (See Davila Figs. 1 & 3; col. 1 lines 24-29; col. 2 lines 1-36)[claim 23]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flexible display strip where the images are alphanumeric characters. By using a flexible display strip, the display strips may be able to be attached to a variety of wearable items including clothing, thereby allowing more options in how a player may wear the strip. Furthermore, by displaying alphanumeric characters "X"s or

the team name may be displayed rather than just a line of LEDs thereby allowing more information to be displayed to the other players.

Response to Amendment

It has been noted that claims 22 and 23 have been added.

Response to Arguments

Applicant's arguments filed January 24, 2005 have been fully considered but they are not persuasive.

Applicant argues that Carter fails to disclose a display strip comprising a plurality of lights wherein the lights are capable of displaying images. Applicant argues that in Carter the group of LEDs that illuminate when a player is shot should not be considered as displaying an image based on not involving color contrast between the display of the lights. The Examiner notes that Applicant has not provided the definition of "image" in their specification that they are now trying to assert. Therefore, the claims are given their broadest reasonable interpretation. The definition of the word "image" as described in Merriam Webster's Collegiate Dictionary 10th Ed. defines image as "the optical counterpart of an object produced by an optical device (as a lens or mirror) or an electronic device". Using this definition, Carter clearly displays an image when a player is shot and the row of LEDs are illuminated. When a player is shot, the row of LEDs are lit up in a pattern, i.e. a straight line. The

Examiner further points out that this interpretation of the word "image" is the same as Applicant's interpretation of an image in the specification, see page 3 lines 17-19.

Applicant argues that Carter does not disclose an additional display in communication with the processor that drives the display strip. The Examiner points out that Applicant's claim language does not specifically state that there is a second additional display for example in monitor form. Any reference to "display" in applicant's claim language could refer to the display of the display strips, which are connected to the processor as described in Carter (See Carter Fig. 2). Nevertheless, Carter does also disclose an additional display monitor to view the score of the game, which is in communication with the processor that drives the displays trip (See Carter Figure 3; col. 12 lines 53-67).

Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Urs Bruttel, Swiss Patent No. CH 693318 A5.

--Urs Bruttel discloses a wearable LED display that displays letters.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julie K Brockett
Primary Examiner
Art Unit 3713